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DEFENSE

Production of M109 Vehicle and Its Components

Arrangements Between the
UNITED STATES OF AMERICA
and the NETHERLANDS

Supplementing the Arrangement
of May 3, 1966, as Supplemented

Signed at The Hague March 2 and
April 14, 1979

And signed at Washington and The Hague
January 31, 1983

S9.10:

NOTE BY THE DEPARTMENT OF STATE

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NETHERLANDS

Defense: Production of M109 Vehicle and Its Components

Arrangements supplementing the arrangement of May 3, 1966, as supplemented.
Signed at The Hague March 2 and April 14, 1979;
Entered into force April 14, 1979.
And signed at Washington and The Hague January 31, 1983;
Entered into force January 31, 1983.

READEX FICHE

Third Supplement to the General Arrangement between the Ministry of Defense of the Government of the Netherlands and the Department of Defense of the United States of America relating to the Cooperative Production of the M109 Vehicle

On 3 May 1966 the Governments of the United States and the Netherlands executed an agreement under which it was agreed that the Dutch Government would purchase M-109 vehicles (without the M-127 Gun Mounts and the M-126E1 Cannon). The Netherlands would produce the M-127 Gun Mounts and the M-126E1 Cannon and install these on the vehicles. By the first supplement (dated 17 March 1969) to this agreement it was agreed that the Government of the Netherlands could sell the Gun Mount, Cannons and components thereof to Belgium, Canada, Denmark, and the United Kingdom. By the second supplement (dated 5 June 1975) the U.S. Government approved the coproduction acquisition and installation of Modification Kits for the conversion of the M-109 Howitzer to the M109A1 Howitzer and the production of the M-119 Propellant Charge.[1]

This Third Supplement does not modify or otherwise amend the General Arrangement of 3 May 1966 or other supplements thereto as applied to rights and duties relating to the M-109 or M-109A1 vehicles, the M-127 Gun Mounts, the M-126E1 Cannon, Modification Kits, and the M-119 Propellant Charge established by that Arrangement and those supplements.

1. Description of Program

Pursuant to the request of the Government of the Netherlands, the U.S. Government, in this Third Supplement to the General Arrangement, hereby approves the coproduction in the Netherlands of ninety M109A2 Howitzers. To achieve this coproduction the Dutch Government will produce in the Netherlands those components of the M109A2 listed on Annex 1 hereto. The remaining components will be purchased from the U.S. Government under Foreign Military Sales procedures. Assembly will take place in the Netherlands.

2. The terms and conditions of the General Arrangement of 3 May 1966 are hereby made applicable to the coproduction of the M109A2 vehicles as described in this Third Supplement with the following changes and/or additions:

(a) Delete the clause entitled Acquisition of M109 Vehicles.

(b) The clause entitled Security is changed to read:

"Any classified material or information which may be transferred between the parties or their contractors under this agreement will be subject to protection in the manner prescribed by the General Security of Information Agreement of 8 September 1960 and the Industrial Security Agreement of 3 April 1969."[2]

(c) The clause entitled Documentation To Be Furnished is changed by deleting, in paragraph a, the phrase "the Foreign Assistance Act of 1961, as amended (22 USC 2151 et seq.) and Section 414 of the Mutual Security Act of 1954, as amended (22 USC 1934)" and inserting in lieu thereof "the Arms Export Control Act, as amended (22 USC 2751 et seq.)". Also, in paragraph a delete, wherever it appears, "M-127 Gun Mount and the M-126E1 Cannon"

[1] TIAS 9144; 29 UST 5713.
[2] Not printed.

and in lieu thereof inserting "components of the M109A2 listed in Annex 1 hereto." Delete paragraph b in its entirety.

(d) The clause entitled Special Tooling and Industrial Facilities is changed by deleting in paragraph a "M-127 Gun Mount and M-126E1 Cannon" and in paragraph b "components of the M-127 Gun Mounts and M-126E1 Cannons" and in lieu thereof inserting "components of the M109A2 in Annex 1 hereto."

(e) The clause entitled Project Coordinator is changed by deleting "M-127 Gun Mounts and M-126E1 Cannons and the assembly of these items into M-109 vehicles" and in lieu thereof inserting "components of the M109A2 listed in Annex 1 hereto and their incorporation into M109A2 vehicles."

(f) The clause entitled Standardization is changed by deleting, in paragraph b, "M-127 Gun Mounts and M-126E1 Cannons and their components" and in lieu thereof inserting "all components and assemblies".

(g) The clause entitled Surveillance is changed by deleting "the M-109 vehicle and components thereof" and in lieu thereof inserting "components and assemblies thereof".

(h) The clause entitled Inventions, Data and Information is changed by deleting, in paragraph a, "M-127 Gun Mount and M-126E1 Cannon and its components" and, in paragraph b, "M-127 Gun Mount and M-126E1 Cannon" and in lieu thereof inserting "M109A2 components".

(i) Add to the clause entitled Distribution of Documentation the sentence: "The Government of the Netherlands agrees to obtain the agreement of their contractors not to use further or to disclose documentation provided by the United States Government to the Government of the Netherlands or to these contractors."

(j) The clause entitled Identification is changed to read: "Components, with the exception of standard fasteners, manufactured in the Netherlands will be so identified by appropriate markings".

(k) The clause entitled Coordinated Production Schedules is changed by deleting "M-127 Gun Mount and M-126E1 Cannon" and "including Mount and Cannon".

(l) The clause entitled Production for or Transfer to Third Parties is changed to read: "Nothing in this Third Supplement shall be construed as authorizing the production in the Netherlands of the M109A2, or components thereof, for sale or other transfer to third parties without the prior written approval of the U.S. Government".

(m) A clause entitled Royalty Fees is added as follows: "The Government of the Netherlands agrees to pay the U.S. Government an eight percent (8%) royalty on that portion of the M109A2 vehicle produced in the Netherlands for sale to third parties in the event such sale is approved in accordance with the clause entitled "Production for or Transfer to Third Parties." The royalty fee amount will be based on the latest or current U.S. unit selling price less cost of transportation and packaging. No royalty will be paid on that portion of the M109A2 vehicle produced in the Netherlands for use by the Netherlands Armed Forces."

(n) Add a clause entitled Effective Date as follows:

"This Third Supplement to the General Arrangement shall become effective on signature of the authorized representatives of both the Royal Netherlands Government and the United States Government. It shall remain in full force and effect until completion of the Program, including any extension thereof by mutual agreement of the parties, or until terminated by notice in writing by either party. Such termination notice will be given at least six months prior to the termination. Notwithstanding any termination, all restrictive provisions of this Third Supplement concerning security, protection and use of proprietary rights, documentation, and conveyance to third parties, shall continue in effect.

In Witness Whereof, the parties hereto have executed this Third Supplement.

For the United States

Ernest Graves [1]

Date: 14 April 1979

For the Netherlands

Date: 2 March 1979

General Major
Ir. P.W. Maris

[1] Ernest Graves.

Annex 1

List of items which shall be produced in the Netherlands.
Remark: CCB means: Configuration control board.

Cab Assy:

Cab (recommend procurement from US Army or US producer)
Cab race seal (without pump)
Cab traverse lock
Ammunition racks (new version)
Stowage boxes and racks outer and inner cab
Panoramic telescope ballistic cover assy
Cab traversing mechanism and oil (handpump)
Basic issue items (new concept)
Commander's cupola (Netherlands to obtain ccb approval for their cupola)
Machine gun support (from fn) (Netherlands to obtain ccb approval for their cupola)
Trunnion bracket for M15 (Netherlands to obtain ccb approval for their cupola)
Offset periscope cover for M42 (Netherlands to obtain ccb approval for their cupola)
Connections between mount M145 and M145 and cradle (Netherlands to obtain ccb approval for their cupola)

Cannon Assy M185

Tube
Tube muzzle brake
Thrust collar
Evacuator
Ball valves
Breech mechanism assy

Mount Assy M127

Dust shield
Cradle
Upper and lower rotor
Actuator
Trunnion bearings
Recuperator
Accumulator replenisher system and buffer assy.
Breech mechanism operating cam
Variable recoil cylinders

Cab Hydraulic

Power pack assy
Main accumulator
Side gauge
Pressure gauge
Pressure switch
Safety relief valve

Rammer selenoid valve assy

Weapon mounted rammer
Traversing mechanism by-pass valve
Traverse mechanism hydraulic motor
Relief valve traverse hydraulic motor
Gunners control left
Elevation selector valve
Lock valve
Relief valve
Equilibrated elevating cylinder
Manifold
Secondary accumulator
Primary accumulator
Handpump
Gunners control right

Shuttle valve assy

Elevation check valve
Manual elevation accumulator
Connections, tubes etc.

Cab electrical

Cab slipping contact arm assy
Cab power relay box
Power selenoid
Power pac meter (sole source)

Selenoid Valve Assy

Rammer control assy

Female plug at rammer support
Clutch
By-pass valve connector
Selenoid elevation selector valve

Gunners selector switch assy

Pressure switch

Lead Assy consisting of lead number

100, 104, 138, 141, 142, 143, 147, 147a, 147b, 147c, 148, 623, 625a, 645, 819a, 825a.

Communications

Use Netherlands communication design on US design brackets

FOURTH SUPPLEMENT TO THE GENERAL ARRANGEMENT
BETWEEN
THE MINISTRY OF DEFENSE OF THE NETHERLANDS
AND
THE DEPARTMENT OF DEFENSE OF THE UNITED STATES OF AMERICA
RELATING TO THE COOPERATIVE PRODUCTION OF THE M109 VEHICLE

On 3 May 1966, the Governments of the United States and the Netherlands executed an arrangement under which it was agreed that the Dutch Government would purchase M109 Vehicles (without the M127 Gun Mounts and the M126E1 Cannon). The Netherlands would produce the M127 Gun Mounts and the M126E1 Cannon and install these on the vehicles. By the first supplement (dated 17 March 1969), to this agreement it was agreed that the Government of the Netherlands could sell the M127 Gun Mount, M126E1 Cannon, and Components thereof to Belgium, Canada, Denmark, and the United Kingdom. By the second supplement (dated 5 June 1975), the U.S. Government approved the coproduction, acquisition, and installation of Modification Kits for the conversion of the M109 Howitzer to the M109A1 Howitzer and the production of the M119 Propellant Charge.' By the third supplement (dated 14 April 1979), the U.S. Government approved the coproduction of 90 M109A2 Howitzers.

The FOURTH SUPPLEMENT does not modify or otherwise amend the GENERAL ARRANGEMENT of 3 May 1966, or other supplements thereto, as applied to rights and duties relating to the M109, M109A1, or M109A2 Vehicles, the M127 or M178 Gun Mounts, the M126E1 or M185 Cannons, Modification Kits, and the M119 Propellant Charge, except as indicated below.

1. Description and Scope of the Program. Pursuant to the request of the Government of the Netherlands, the United States Government, in this FOURTH SUPPLEMENT TO THE GENERAL ARRANGEMENT, approves the coproduction, acquisition, and installation of the Midlife PIP Kit and Extended Range Kit for the modification of its M109A1 Vehicles to the M109A3 configuration and amends the SECOND SUPPLEMENT TO THE GENERAL ARRANGEMENT with respect to royalties to be paid for sales to third countries with respect to sales or transfers of the M109A1 Conversion Kit. To achieve this coproduction, the Government of the Netherlands will produce in the Netherlands those components of the Midlife PIP Kit and Extended Range Kit listed in Annex 1 hereto. The remaining components will be purchased from the U.S. Government under Foreign Military Sales procedures, and assembly will take place in the Netherlands. The scope of the Program contemplated by this FOURTH SUPPLEMENT will be as follows:

a. To be produced in the Netherlands:

(1) 136 ea - Midlife PIP and Extended Range Kit components as indicated in Annex 1.

(2) As required - Repair parts for 1a(1).

b. To be acquired by the Royal Netherlands Army on a Dependable Undertaking/Cash in Advance basis under Foreign Military Sales from the United States Department of Defense.

(1) 136 ea - Midlife PIP Kit and Extended Range Kit components as indicated in Annex 2.

(2) As required - Repair parts for 1b(1).

2. Applications. The terms, conditions, and responsibilities set forth in the GENERAL AGREEMENT between the Ministry of Defense of the Government of the Netherlands and the Department of Defense of the United States of America relating to the Cooperative Production of the M109 series vehicle, executed on 3 May 1966, and the three supplements to the GENERAL ARRANGEMENT, executed on 17 March 1969, 30 December 1974, and 14 April 1979, shall also apply to this Fourth Supplement except where noted in paragraph 3, below - Exceptions.

3. Exceptions.

a. For the purposes of this FOURTH SUPPLEMENT, the Article entitled Production for or Transfer to Third Parties will read: "Nothing in this Fourth Supplement, General Arrangement, or Supplements 1, 2, and 3 shall be construed as authorizing the production in the Netherlands of the Midlife PIP Kit and Extended Range Kit, or components thereof, for sale or other transfer to third parties without the prior written approval of the U.S. Government."

b. For the purpose of this FOURTH SUPPLEMENT, an Article entitled Royalty Fees will be added, to wit:

"a. The Government of the Netherlands agrees to pay the U.S. Government a royalty fee equal to (5%) five percent of the latest or current U.S. unit selling price less cost of transportation and packaging for each Midlife PIP Kit and Extended Range Kit component manufactured in the Netherlands for use by the Netherlands Armed Forces."

"b. The Government of the Netherlands agrees to pay the U.S. Government a royalty fee of (8%) eight percent of the latest or current U.S. unit selling price less cost of transportation and packaging for each Midlife PIP Kit and Extended Range Kit component manufactured in the Netherlands for sale to third parties provided such sale is approved in accordance with the Article entitled Production for or Transfer to Third Parties."

c. For the purposes of this FOURTH SUPPLEMENT, Article 8 Royalty Fees of the SECOND SUPPLEMENT to the GENERAL AGREEMENT is amended by the addition of Article 8c., to wit:

"c. The Government of the Netherlands agrees to pay the U.S. Government a royalty fee of (8%) eight percent of the latest or current U.S. unit selling price less cost of transportation and packaging for each M109A1 Conversion Kit component manufactured in the Netherlands for sale to third parties provided such sale is approved in accordance with the Article entitled Production for or Transfer to Third Parties."

4. Effective Date. This FOURTH SUPPLEMENT TO THE GENERAL ARRANGEMENT shall enter into force on signature of the authorized representatives of both the Royal Netherlands Government and the United States Government. It shall remain in full force and effect until completion of the program, including any extension thereof by mutual agreement of the signatories, or until terminated by notice in writing by either signatory. Such termination notice will be given at least six months prior to the termination. Notwithstanding any termination, all restrictive provisions of this Fourth Supplement concerning security, protection, and use of proprietary rights, documentation, and conveyance to third parties, shall continue in effect.

In Witness Whereof, the parties hereto have executed this FOURTH SUPPLEMENT this 21st day of January 1982.

For the United States

[1]

Director, Defense Security Assistance Agency

For the Netherlands

Director, Material, Royal Netherlands Army

De Sous-Chef Aanschaffing

J. Hille

Brigade-Generaal

[1] Philip C. Gast.

ANNEX 1

Midlife PIP and Extended Range Kit Components to be Produced in the Netherlands

Item	NSN/Part No.
Shutdown Alerting Decal Kit	12012414
Stowage, Misc. Kit	12012448
Bustle with Rack Kit	12012451
Hull, Ammunition Rack Kit	12012453
Crew Handhold Kit	12012456
Counter Recoil Buffer Kit	12012462
Aeration/Coolant Warning Kit	12012464
Driver's Hatch Kit	12012467
Upper Recoil Cylinder Bleed Kit	12012468
Traversing Motor Step Plate Kit	12012471
Elevating Cylinder Hose Kit	12012472
Equilibrator Hand Pump Assembly Kit	12012474

ANNEX 2

Midlife PIP and Extended Range Kit Components to be Purchased through Foreign Military Sales Channels

Item	NSN/Part No.
Product Improvement Kit	1025-01-056-2909
M140 Alignment Device Kit	12012452
Stowage, CLGP Kit	12012454
Stowage, Collimator Kit	12012458
Stowage, Fuze & Fuze Wrench Kit	12012459
Communication Kit	12012461
Cab Side Door Latch Replacement Kit	1025-01-060-9669
Latch Assembly	12012142
Screw	MS90726-61
Washer	MS35338-46
Shim	12012146-1
Shim	12012146-2
Shim	12012146-3
Shim	12012146-4
Strike	12012137
Screw	MS90726-115
Washer	MS35338-48
Bumper Assembly	12012138
Screw	MS90726-60
Washer	MS35338-46
Shim	12012147-1
Shim	12012147-2
Shim	12012147-3
Shim	12012147-4
Insert	MS51831-204
Insert	MS51831-206
M178 Gun Mount Modification Kit	1025-01-081-4825
Orifice, Outer	12012324
Rod, Orifice	12012329
Seal	7748943
Seal	7748944
Seal	7969853
Nameplate	12012449
Screw	MS21318-46
Wire, Lock	MS20995C41

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